

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT HUNTINGTON

ESTATE OF CHARLES PADGETT,

Plaintiff,

v.

CIVIL ACTION NO. 3:03-1746

THE WESTERN AND SOUTHERN  
LIFE INSURANCE COMPANY, et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER**

Pending before the court is defendants' motion for dismissal for failure to prosecute. (Doc. # 97). Plaintiff has not filed a response to defendants' motion. Furthermore, more than two years have elapsed since plaintiff has taken any action in this case. Accordingly, it appears to the court that the plaintiff has abandoned this action.

PLAINTIFF IS HEREBY INFORMED THAT IT HAS UNTIL JUNE 7, 2010, TO INFORM THE COURT IF IT WISHES TO PROCEED WITH THIS ACTION. FAILURE ON THE PART OF PLAINTIFF TO DO SO WILL RESULT IN DISMISSAL OF THIS ACTION FOR FAILURE TO PROSECUTE.

The Clerk is directed to send copies of this Memorandum Opinion and Order to counsel of record and unrepresented parties.

IT IS SO **ORDERED** this 24th day of May, 2010.

ENTER:



David A. Faber

Senior United States District Judge